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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,204	02/13/2002	Takaaki Namba	2002_0230A	5300
513 7590 07/17/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER POND, ROBERT M	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/073,204

Applicant(s)

NAMBA ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/12/06; 4/18/07; 6/05/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/05/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant canceled claims 1-44 and newly added claims 45-47. All pending claims 45-47 were examined in this non-final office action necessitated by new grounds of rejection.

Response to Arguments

Applicant's arguments with respect to claims 45-47 have been considered but are moot in view of the new ground(s) of rejection. The Examiner is suggesting the Applicant consider a telephone conversation for further discussion pertaining to potential subject matter that may be allowable.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 45-47 are rejected under 35 USC 103(a) as being unpatentable over Ginter (Paper #20050201, US 5,910,987).

Ginter teaches secure content distribution system using secure content containers (see at least abstract; Fig. 1 (100); Fig. 2 (102, 106, 112, 116); col. 2, line 24 through col. 47, line 62). Ginter further teaches exchanging content

between content creators, distribution management computers, and content users requesting content download and making payment. Ginter teaches a secure content container including rules and permission and structures necessary to permit the content container to circulate along a communication network as a traveling object. A traveling object can be acquired by a second user terminal and redistributed to a first user terminal and subsequently passed along to a third user terminal (see at least Fig. 81; col. 128, line 38-col. 131, line 57). Ginter further teaches:

- first communication terminal device includes:
 - a content specifying unit operable to send search request information that indicates a request for a content search to said communication exchange device, to receive, from said communication exchange device, a search list that is a result of the content search, and to specify at least one content based on the received search list;
searching content (see at least col. 37, line 1 through col. 38, line 67);
supports dynamic user selection of information subsets of content;
consumer search tools, consumer search criteria; hits for user selection (see at least col. 22, line 10 through col. 23, line 14).
 - a content acquiring unit operable to send, to said second communication terminal device, distribution request information that indicates a request for a distribution of the specified content, and to receive the content from said second communication terminal device;

first user terminal receives content from a content provider (e.g. second user terminal distributes traveling object containing content) (see at least Fig. 2 (112); col. 7, lines 42-54; col. 53, line 30 through col. 54, line 67).

- and a content purchasing unit operable to send, to said distribution management device, purchase request information that indicates a request for a purchase of the content received from said second communication terminal device, and to receive copyright information of the content from said distribution management device; user paying for content using credit or electronic currency (see at least col. 30, lines 9-15).
- second communication terminal device includes:
 - a content receiving unit operable to receive a content from said content providing device; the second user terminal receives redistributable content from a distributor or other content provider capable of r (see at least Fig. 2 (112); col. 7, lines 42-54; col. 53, line 30 through col. 54, line 67).
 - a content sending unit operable to receive the distribution request information from said first communication terminal device, and to send the specified content to said first communication terminal device based on the distribution request information; sends traveling object content to first user terminal as noted above.

- communication exchange device includes a content searching unit operable to receive the search request information from said first communication terminal device, to make a search based on the search request information so as to generate a search list that indicates at least one content, and to send the generated search list to said first communication terminal device; as noted above, computing structures exist to support user searches for content.
- distribution management device includes a copyright management unit operable to receive the purchase request information from said first communication terminal device, to specify copyright information of the content to be purchased, based on the purchase request information, and to send the specified copyright information to said first communication terminal device; content rules and permission specified by content owner is passed along with the content or separate from the content (see at least col. 55, line 14-col. 56, line 30).
- and a content providing device includes a content providing unit operable to provide at least one content to said second communication terminal device. As noted above content can be provided by a content provider or user/distributor (see at least Fig. 81)
- wherein the search list includes attribute information that indicates a characteristic of the content; and said content specifying unit in said first communication terminal device is operable to assign a weight to the

attribute information in the received search list, and to specify at least one content based on the weighted attribute information. attributes; searchable content based on atomic increments; tailoring a user content specification; search tools finding most relevant portions of information (see at least col. 22, lines 10-67). Please note examiner's interpretation: user assigning a weight on what is important.

- Regarding claim 47, a third communication terminal device which is functionally equivalent to said second communication terminal device, wherein:
 - the purchase request information includes circulation history information that indicates the content received by said first communication terminal device has been intermediated by said third communication terminal device before said second communication terminal device sends the content to said first communication terminal device; virtual distribution environment allows electronic arrangements to be created involving two or more parties. These agreements can themselves comprise a collection of agreements between participants in a commercial value chain and/or a data security chain model for handling, auditing, reporting, and payment. It can provide efficient, reusable, modifiable, and consistent means for secure electronic content distribution, usage control, usage payment, usage auditing, and usage reporting (see at least col. 8, lines 16-29).

- and said intermediary information sending unit in said distribution management device is operable to send the intermediary information to said second and third communication terminal devices based on the circulation history information. redistribution based on usage conditions/permission as permitted by rules and control as previously noted above.

Ginter teaches all the above as noted under the 103(a) rejection and teaches redistributors as intermediaries, charging fees for redistributed content, intermediary distribution of content, and content creators distribution/redistribution partners striking business agreements. Although Ginter does not disclose operable to accept, from said distribution management device, intermediary information with regard to an intermediary fee of the content purchased by said first communication terminal device one of ordinary skill in the art would ascertain that an accepted intermediary business model based on commissions for sales referrals may be more attractive to the intermediary rather.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
July 6, 2007